

DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS

COMPLETE STATEMENT

OF

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BEFORE

**COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT**

UNITED STATES HOUSE OF REPRESENTATIVES

ON

**PROPOSALS FOR A WATER RESOURCES DEVELOPMENT ACT OF
2022 - ADMINISTRATION PRIORITIES**

JANUARY 12, 2022

Chairman DeFazio, Chairwoman Napolitano, Ranking Member Graves, Ranking Member Rouzer and distinguished members of the Subcommittee, thank you for the opportunity to testify before you today to discuss the U.S. Army Corps of Engineers Civil Works program priorities for water infrastructure needs in the proposed Water Resources Development Act (WRDA) of 2022.

I am Michael Connor, the Assistant Secretary of the Army for Civil Works (ASA(CW)). I began serving in this position on November 29, 2021.

The U.S. Army Civil Works Program is the Nation's largest water resources program. It serves three main missions: flood and storm damage reduction, commercial navigation, and aquatic ecosystem restoration. The Civil Works Program also addresses a host of other water resource and infrastructure needs as authorized and funded by Congress. Our civil works projects have contributed significantly toward the Nation's well-being, supporting the economy and protecting and improving the lives of Americans with innovative water management processes to address flood risk, environmental protection needs, even drought. As such, the U.S. Army Corps of Engineers is committed to the national effort to help communities improve their resilience to extreme weather events, through our technical assistance programs and our water resources projects, a mission of increasing importance with a changing climate. Much of the Army's work can only be accomplished through a foundation of partnerships between the Corps and local communities, which allow us to work together to help develop, manage, restore, and protect the Nation's water resources and the environment.

The Administration is focused on increasing infrastructure and ecosystem resilience to climate change and decreasing climate risk for communities based on the best available science; and promoting environmental justice in disadvantaged, underserved, and rural communities and creating good paying jobs that provide the free and fair chance to join a union and collectively bargain. We believe in smart investments that maximize the resiliency and durability of our water management resources; moving into a more sustainable posture by investing in infrastructure that delivers benefits all across America. This can be accomplished through authorizations that address the effects of climate change.

The President has directed each federal agency to work within its own authorities to tackle the climate crisis at home. As part of this whole of government effort and a member of the Federal family, we work with the Interagency Water Subcabinet, comprised of the Departments of Interior, Agriculture, Energy and Commerce (National Oceanic and Atmospheric Administration), and the Environmental Protection Agency, to streamline and coordinate the Federal government's approach to managing America's water resources and work to restore and protect the environment, safeguard public health and safety, and contribute to the nation's economy. We also partner with the Coastal Resilience Interagency Working Group, which includes the Departments of Transportation and Homeland Security, to elevate, coordinate and accelerate the Federal government's efforts to increase the resilience to climate change of the Nation's coasts and coastal communities. It is a priority of the Office of the ASA(CW) and the

U.S. Army Corps of Engineers to increase resilience to the impacts of climate change; protect and conserve our water resources; and maintain the key features of our infrastructure that support the nation's economy. WRDA 2022 is where we can continue to ensure the authorities necessary to implement these priorities.

The President has also set a goal that 40 percent of the overall benefits of Federal investments flow to disadvantaged communities – the Justice40 Initiative. The Justice40 Initiative is a critical part of the Administration's whole-of-government approach to advancing environmental justice. I am committed to working with Lieutenant General Spellmon and his team to seek opportunities to secure environmental justice and spur economic opportunity for disadvantaged communities that are experiencing adverse effects of climate change.

The Army works with our Nation's coastal ports to maintain their channels; operate and maintain the inland waterways of commerce; support state, Tribal, and local flood and coastal storm damage risk management reduction activities; restore significant aquatic ecosystems; and operate and maintain multipurpose dams, as well as the reservoirs behind them. There are about 250 million day-visits a year for recreation at Corps' lands and reservoirs, making the Corps one of the top Federal recreation providers, an important outlet for many Americans during the course of the ongoing pandemic.

The infrastructure that the Army maintains includes 13,000 miles of coastal navigation channels (including the channels of the Great Lakes), 12,000 miles of inland waterways,

715 dams, 241 locks at 195 navigation sites, 14,700 miles of levees, and hydropower plants at 75 locations with 353 generating units. These projects help provide risk reduction from flooding in our river valleys and along our coasts, facilitate the movement of approximately two billion tons of waterborne commerce, and provide up to 24 percent of the Nation's hydropower.

Much of the the water resources infrastructure that the Army Corps owns and operates was constructed over 75 years ago and will require significant investments to maintain..

As the Army continues to work on policy and administrative changes to improve infrastructure delivery and regulatory responsiveness, my staff and I are looking at the organization, authorities, policies, regulations, and procedures, in order to identify opportunities for increased efficiency and effectiveness. We want to ensure that the Army Civil Works Program is using its significant capabilities in an equitable manner and to address longstanding environmental justice concerns; incorporates natural and nature-based infrastructure solutions into resiliency efforts where appropriate; reduces redundancy; and delegates authority for decision-making to the appropriate level. I am committed to working closely with the Chief of Engineers and his commanding officers to position the Army Civil Works Program for continued success.

With respect to some specifics, we are working with the Office of Management and Budget to finalize a proposed rule to implement the Water Infrastructure Finance and Innovation Act or WIFIA, as provided for in the 2021 Energy and Water Development

Appropriations Act. This proposed rule would implement a new federal credit program to support investment in non-federal dam safety projects through credit assistance to safety projects to maintain, upgrade, and repair non-federal dams. The FY2021 Appropriations Act included \$12 million for a credit subsidy, and \$2.2 million for program administration and a loan volume limit of \$950 million. The appropriations limited WIFIA funds to safety projects to maintain, upgrade, and repair dams. This new federal credit program will provide another way for non-federal dam owners and managers to enhance the safety of their dams and to improve the durability of those dams while also addressing water supply, energy, and environmental needs in a changing climate.

The Army has completed 16 WRDA 2020 implementation guidance documents and made substantial progress on the remaining documents. Certain provisions may require rulemaking. You have my commitment that WRDA 2020 implementation will be a priority and that we will complete the remaining implementation guidance documents and any potential rulemaking.

The Army is also making progress on some key Regulatory issues. Together, we are working closely with the Environmental Protection Agency to develop a durable definition of “waters of the United States” (WOTUS) that is informed by science, experience, expertise and that protects public health, the environment, and downstream communities while supporting economic opportunity, agriculture, and other industries that depend on clean water. On December 7, 2021, Army and EPA published the a proposed rule that represents the first in a two-step process to revise the definition of

WOTUS. The proposed rule will support a stable implementation of the Clean Water Act's WOTUS definition while the agencies continue to consult with states, Tribes, local governments, and stakeholders in both the implementation of WOTUS and future regulatory actions. Now, more than ever, we recognize the importance of our Nation's water resources and the role water plays in sustaining all of our communities across the nation.

The Army also lifted the temporary pause on finalizing Section 404 permit decisions in November 2021, and is working to resolve the vast majority of the outstanding jurisdictional determination decisions. The Army will also coordinate with certifying authorities on water quality certifications that are potentially impacted by the recent vacatur of the 2020 CWA Section 401 rule by the United States District Court for the Northern District of California.

The Office of the Assistant Secretary of the Army for Civil Works and the U.S. Army Corps of Engineers stand ready to help in addressing the water resources challenges of the 21st Century and doing so in an equitable manner that helps all of our communities in the United States. We look forward to working with this Committee on this very important issue.

Thank you, Chairman DeFazio, Chairwoman Napolitano and Committee Members. This concludes my statement. I look forward to answering any questions you or other Members of the Committee may have.